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Living territories to transform the world

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CHAPTER 30

Forest concessions: a transition towards territorial development institutions?

Alain Karsenty

Concessions are a form of public-private partnership. States own or are assumed to own most natural forests. A State grants, for a period of a few years or decades, a right to exploit a resource (such as timber) while excluding, in general, rights over other resources. The more regions are landlocked and the lower the population density, the higher the number and extent of industrial concessions. Indeed, certain concessions in Central Africa exceed one million hectares in size. These concessionaires collect low volumes of timber per unit area due to high transport costs, which lead them to target only high-value timber. But the territories covered by these concessions are also home to local rights, such as hereditary rights over land, rights of access to hunting and fishing areas, and rights to collect non-timber products.

So far, territories have been managed through a specialization of spaces (land sparing), both in terms of production (agriculture *versus* forestry) and of status (industrial concessions *versus* community forests, protected areas). Demographic changes and local aspirations for real (and thus enforceable) land rights make the current forms of territorial sharing increasingly conflictual, which result in zero-sum games (one person's gain is another's loss). However, tropical forestry is an activity in which a combination of different activities can be envisaged in the same territory due to the highly selective nature of the exploitation (one or two trees removed per ha on an average) and rules of rotation that dictate that any operation can be carried out only once every 25–30 years on the same plot.

TERRITORIAL DEVELOPMENT INSTITUTIONS

Innovations from both private and public actors are making it possible to transform the role of forest concessions granted in territories. Over the last few years, initiatives have been launched with the support of NGOs for large-scale online mapping of

customary rights on lands and resources. Such is the case for the Mapping For Rights initiative¹, supported by the Rainforest Foundation, or the Rights and Resources Initiative (RRI)², which provides communities the opportunity to themselves affirm their presence in a given forest area, and allow decision-makers and private sector actors to become aware of and to recognize this presence. Industrial concessionaires have also helped change the traditional view of management of resources in separated spaces to meet social requirements of timber certification systems, especially of the Forest Stewardship Council (FSC), including the taking into account of local land rights. Some companies are systematically mapping customary rights (pertaining to the space occupied and 'legally' owned by a community, irrespective of the mode of appropriation, according to the definition of Henri Mendras) that overlap concession areas. Others prefer to limit themselves to demarcating the areas of influence of villages. These companies use such information to share a portion of the revenues derived from the exploitation of timber, on the basis of the extent of overlapping rights or simply on the basis of the existence of these areas. The amounts paid are managed by the company and the villagers have to form an association to benefit from the funds, which are intended for productive and social investments.

The mapping of rights and the revenue sharing associated with this cartography constitute the early stages of an evolution of concessions. A new generation of concessions driven not only by simple business rationales but also by the idea of taking care of overlapping tenure rights, would become institutions of territorial development. The extension of this territorial approach is reflected in the management of different layers of economic activity within the concession. For example, a safari operator in Congo has already been authorized to offer sport hunting activities in a forestry unit (concession) of several hundred thousand hectares allocated to a forestry company. This layer of the safari activity is therefore superimposed on the timber exploitation layer, and overall supervision has been entrusted to the forest concessionaire. Value can be derived from other resources, too. Non-timber products with high commercial value (such as okoumé resin in Gabon) or with a large domestic market could form the basis of chains combining processing and promotion in urban or export markets. Degraded areas could be restored and made productive by planting timber or perennial crops.

Existing forestry codes only authorize timber exploitation in forest concessions. Local populations are only allowed to exercise traditional usage rights and are forbidden to develop commercial activities with non-timber products. It will therefore be necessary to make legislative changes to allow concessionaires to start joint enterprises for the commercial exploitation of non-wood products with communities that are involved in the concession's management. These resources are already partly used by local populations within the concessions, and they constitute significant income sources that there is no question of denying to them. On the contrary, these activities need financial, technical and organizational support to increase their value addition. The presence of an industrial timber company can be an important asset in this context, provided that the institutional framework of the concession is modified to

1. <http://map.mappingforrights.org/> (retrieved 19 April 2017).

2. <http://www.rightsandresources.org/> (retrieved 19 April 2017).

allow concessionaires to extend their range of activities to other products as part of a co-managed process, which is itself supported by a sharing of the profits from the timber exploitation activity.

COMBINING THE INCLUSIVE AND THE EXCLUSIVE

These dynamics, if they are made thorough, organized and consistent within the framework of public policies, can serve as the starting point for a transformation of the concession system in Central Africa with the recognition of the rights associated with different institutional layers superimposed on the same territory. This can be

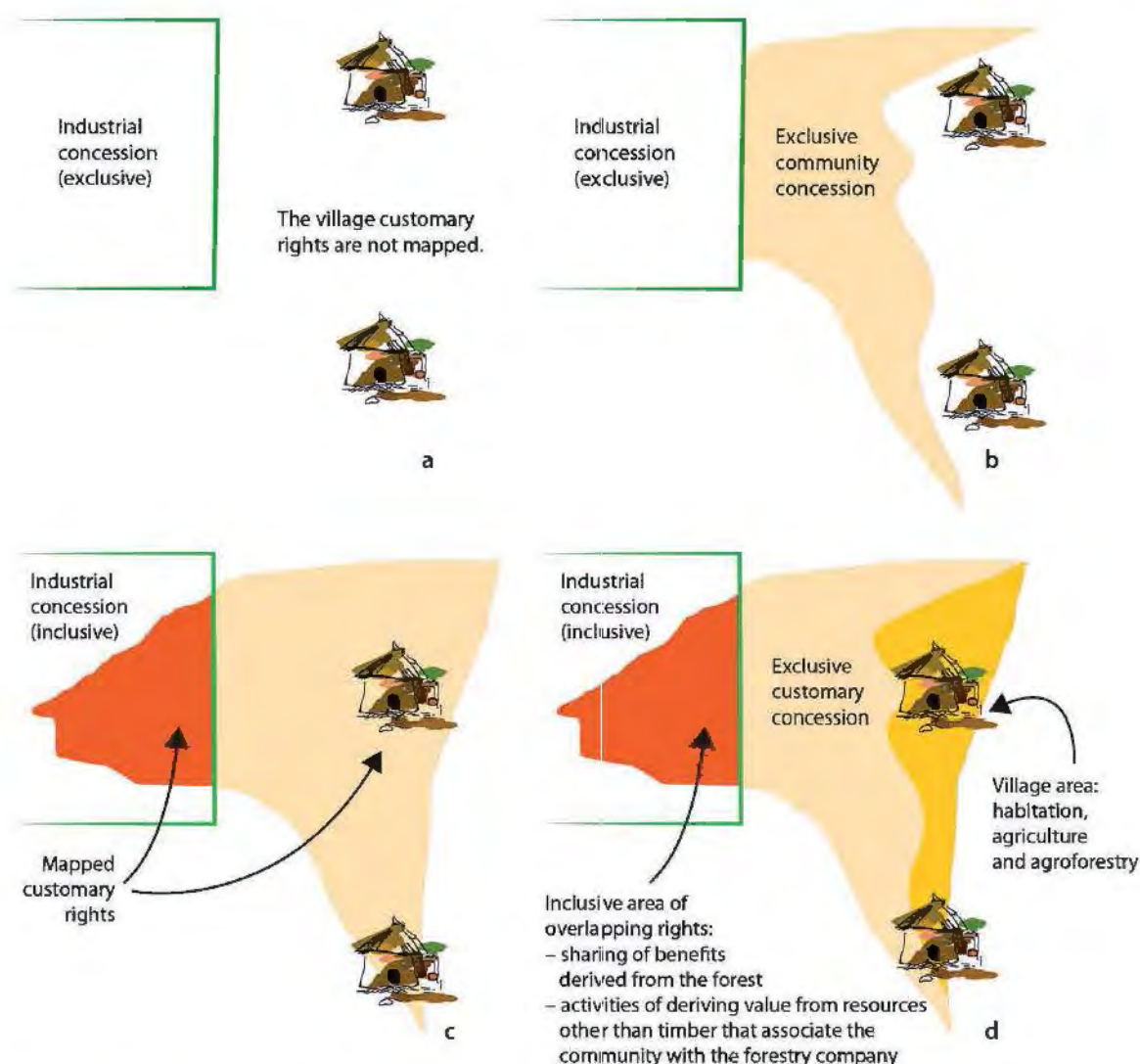


Figure 30.1. Different configurations of the territory based on a logic of specialization (land sparing) or a logic that combines specialization and superimposition (land sharing).

Situation 'a' is often the one that prevails, i.e., only industrial concessions (or protected areas) are recognized as territorial institutions, while the villages are known as mere areas of habitation and immediate influence.

Situation b: Community concessions can be established alongside industrial concessions in forested areas.

Situation c: Customary tenure rights are mapped using an approach that takes superimposition into account. Some of these rights overlap on the industrial concession and a new territorial reality emerges that consists of much more than a simple acknowledgement of the village presence.

Situation d: the inclusive and the exclusive are combined.

Source: Karsenty and Vermeulen (2016a).

called 'Concession 2.0'. Concession 2.0 can give rise to truly participatory governance schemes, based on joint economic activities, that include processes of shared decision-making through an institutionalized negotiation platform in which each partner would have a vote.

However, such a change in industrial concessions in terms of inclusive management should not be used to prevent local populations from securing exclusive spaces within their own community lands, such as community concessions which will allow them, in particular, to set up small timber enterprises. These entities, distinct from the inclusive space of Concession 2.0, reflect the aspiration of local communities to control their own territories, in which the actors are encouraged to cooperate socially and economically.

The most obvious obstacle is the lack of willingness and capacity of the industrial enterprise to promote such joint initiatives. Moreover, local social contexts are known to be uncondusive to the establishment of economic structures that require the sustained cooperation of its members. However, this evolution of the concession to an institutional form of a new and inclusive territorial development may justify support from public development funds, support which is currently not forthcoming for industrial concessions due to the controversies surrounding them.

In many cases, substituting the specialization of spaces with various coordinated uses is the only feasible solution in a world where the pressure on resources is increasing in tandem with demographic density and the increasingly recognizable limits of natural capital. On the one hand, territories are criss-crossed by competing rights which specialization and the notion of absolute ownership are desperately trying to contain, with the risk of exacerbating conflicts of legitimacy. On the other hand, boundaries and demarcations have an essential role to play in providing security to vulnerable actors by enabling them to acquire enforceable rights, especially in these times of land grabbing.

Modern forms of land security must thus articulate the inclusive (manage the superimposition of rights) and the exclusive (ensure enforceable rights), in order to intelligently combine land sharing and land sparing in territorial development.

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